

EXHIBIT

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Richard Hadsell

Hadsell v. Mandarich Law Group, LLP.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RICHARD A. HADSELL,

Plaintiff,
vs.

CASE NO. 12CV0235L RBB

MANDARICH LAW GROUP, LLP and
CACH, LLC,

Defendants.

VIDEOTAPED DEPOSITION OF RICHARD HADSELL

San Diego, California

September 27, 2012

Reported by:
Cheryl M. Collins
CSR No. 9512

Job No. 10003512

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

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4 RICHARD A. HADSELL,

5 Plaintiff,

6 vs.

CASE NO. 12CV0235L RBB

7 MANDARICH LAW GROUP, LLP and
CACH, LLC,

8 Defendants.

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21 Videotaped Deposition of RICHARD HADSELL, taken on
22 behalf of Defendants at 701 B Street, Suite 1115, San Diego,
23 California, beginning at 10:01 a.m. and ending at 11:45 a.m.
24 on Thursday, September 27, 2012, before Cheryl M. Collins,
25 Certified Shorthand Reporter No. 9512.

1 APPEARANCES:

2

3 For Plaintiff:

4

HYDE & SWIGART

5

BY: ROBERT L. HYDE, ESQ.

6

411 Camino Del Rio South, Suite 301

7

San Diego, California 92108

8

619.233.7770

9

619.297.1022 Fax

10

bob@westcoastlitigation.com

11

-and-

12

KAZEROUNI LAW GROUP, APC

13

BY: ABBAS KAZEROUNI, ESQ.

14

2700 North Main Street, Suite 1000

15

Santa Ana, California 92705

16

800.400.6808

17

800.520.5523 Fax

18

ak@kazlg.com

19

For Defendants:

20

MESSER & STILP, LTD.

21

BY: NICOLE STRICKLER, ESQ.

22

166 West Washington, Suite 300

23

Chicago, Illinois 60602

24

312.334.3442

25

312.334.3434 Fax

strickler@messerstilp.com

26

Also Present:

27

COLLETTE STARK - VIDEOGRAPHER

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MARY HART

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1 A. No.

2 Q. Okay. Do you have any idea whether it was in the
3 last year?

4 A. No.

5 Q. Do you have any idea whether if it was in the year
6 2011 at all?

7 A. No.

8 Q. Do you believe it was in 2010?

9 A. Possibly.

10 Q. Possibly. Do you remember what the content of
11 communication you received was?

12 A. Not in totality.

13 Q. Okay. Can you tell me what you remember?

14 A. They're basically stating that I owe a debt and I
15 have a total amount due, and I disagreed with both of those
16 statements in their letter stating the amount or that I had
17 owed a debt, period.

18 Q. Okay. Now, this was a letter; correct?

19 A. Yes.

20 Q. Was there any other letters that you received?

21 MR. HYDE: From Mandarich?

22 BY MS. STRICKLER:

23 Q. From Mandarich Law Group.

24 A. Yes.

25 Q. Do you remember the approximate time frame that you

1 you to assume anything that she tells you is factual. The
2 fact that she says it was 2010 does not mean it was 2010.
3 Okay? We want you to go by what you actually know.

4 THE WITNESS: I honestly don't recall.

5 BY MS. STRICKLER:

6 Q. Okay. Now, at any point did you send Mandarich Law
7 Group any correspondence?

8 A. Yes.

9 Q. Do you recall when you sent that correspondence?

10 A. No.

11 Q. Do you recall what the content of that of that
12 correspondence was?

13 A. Something to the effect of, "Stop contacting me.
14 Stop writing me letters. Stop phone-calling me. Stop
15 putting me on the computer-generated caller list and leaving
16 messages on my phone. And that I do not owe this debt."

17 Q. Do you recall the exact words that you used or is
18 that just kind of your summation?

19 A. It's the best of my memory at this time.

20 Q. Okay. And you don't recall when you sent that
21 correspondence?

22 A. No.

23 Q. Do you know the address that you sent it to?

24 A. No.

25 Q. Do you know or do you have any -- I guess, strike

1 that.

2 Did you send it certified?

3 A. No.

4 Q. How did you transmit it?

5 A. Through the United States Postal Service.

6 Q. Okay. So just regular mail?

7 A. Yes.

8 Q. Okay. Did you ever receive it returned?

9 A. No.

10 Q. Okay. Did you ever get any indication from
11 Mandarich Law Group that they receive it?

12 A. Not really.

13 Q. Okay. Have you filed for bankruptcy?

14 A. Yes.

15 Q. When?

16 A. I don't remember.

17 Q. Can you give me an approximate time frame? Do you
18 know if it was in the last year?

19 A. 35 years ago.

20 Q. Okay. So just one time?

21 A. Yes.

22 Q. Did you do so in California?

23 A. Yes.

24 Q. Have you ever filed a lawsuit prior to this one?

25 A. No.

- 1 A. Yes.
- 2 Q. Did you have checks?
- 3 A. Yes.
- 4 Q. Did you write checks?
- 5 A. Yes.
- 6 Q. Was that the method that you used to pay bills?
- 7 A. Yes.
- 8 Q. You know how people have their preferences.
- 9 Do you recall the account number on that bank
- 10 account?
- 11 A. No.
- 12 Q. You've had a chance to review Exhibit 3, and I know
- 13 in this Exhibit 3 there are copies of two checks; correct?
- 14 A. Yes.
- 15 Q. Did you write those checks?
- 16 A. Yes.
- 17 Q. So are these, to the best of your knowledge, true
- 18 and accurate copies of checks by you to Bank of America?
- 19 A. Yes.
- 20 Q. What were those for?
- 21 A. It appears to make a payment to Bank of America,
- 22 not World Points.
- 23 Q. Okay. What's the account -- I'm sorry. I'll go
- 24 back to the first page.
- 25 What's the account number, if you can see one?

1 A. On what? The Wachovia account?

2 Q. No, not the Wachovia account. Just the first page
3 of what I gave you.

4 If you look at it, it has 5466330999 at the top
5 written in handwriting. If you look down to the right in
6 the middle of the page, it has an account number. What's
7 that number?

8 A. Do you want me to read it?

9 Q. Yep, sure do.

10 A. 5466 3300 1268 1158.

11 Q. Okay. Let's go back to Exhibit 2 now.

12 Do you see an account number on that statement?

13 A. Yes.

14 Q. What's that account number?

15 A. It's the same number.

16 Q. Same number. Do you think they're the same
17 accounts?

18 A. It appears so.

19 Q. So we'll just go back to the last two pages of
20 Exhibit 3.

21 Would you agree, same account number?

22 A. Yes.

23 Q. And this last page of this check, is that another
24 check that you wrote to Bank of America --

25 A. Yes.

1 Q. -- to pay on that account?

2 A. Yes.

3 Q. And this account that you're paying on, that these
4 checks were written on, did you ever pay the full balance of
5 that account?

6 A. No.

7 Q. Did you ever document any of the collection
8 attempts that were made by Mandarich Law Group? In other
9 words, did you keep any notes or anything?

10 A. No.

11 MS. STRICKLER: I think I'm done. Why don't you
12 just give me like a minute. We can just go off the record
13 for a sec.

14 THE VIDEOGRAPHER: The time is 11:22 a.m. We are
15 off the record.

16 (Recess taken)

17 THE VIDEOGRAPHER: The time is 11:35 a.m. We are
18 back on the record.

19 BY MS. STRICKLER:

20 Q. Just a couple more follow-up questions for you.

21 Do you know if your wife Maria was remarried after
22 you two divorced?

23 A. Yes.

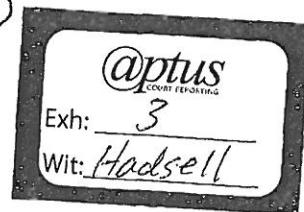
24 Q. Is her husband's name George Cortez?

25 A. Yes.

5466330999349340

Amount: \$200.00
Account: 5466330012681158
Bank Number:

Sequence Number: 4086020189
Capture Date: 05/26/2009
Check Number: 0



04 0047407900007400000038000005466330012681158

BANK OF AMERICA
P.O. BOX 051001
DALLAS, TX 75265-1001

BB 0508 N 184 488 23568 31627 #801 AV 0.324
RICHARD A HADSELL
1515 E CHASE AVE
EL CAJON CA 92020-8267-158

Check here for a change of mailing address or phone number(s).
Please provide all corrections on the reverse side.

ACCOUNT NUMBER:	54663300 1268 1158
NEW BALANCE TOTAL:	\$4,740.79
PAYMENT DUE DATE:	05/28/09
Enter Payment Amount Below	
\$200 ✓	

Mail this payment coupon along with a
check or money order payable to: BANK OF AMERICA



15240222501 155500126811580

PAYMENTS

We credit payments as of the date received, if the payment is 1) received by 5 p.m. (Eastern Time), 2) received at the address shown in the bottom left-hand corner of the front of this statement, 3) paid with a check drawn in U.S. dollars on a U.S. financial institution or a U.S. dollar money order and 4) sent in the enclosed return envelope with only the bottom portion of this statement accompanying it. Payments received after 5 p.m. on any day, including the Payment Due Date, but that otherwise meet the above requirements, will be credited as of the next day. We will reject payments that are not drawn in U.S. dollars and those drawn on a financial institution located outside of the United States. Credit for any other payment may be delayed up to five days. No payment shall operate as an accord and satisfaction without the prior written approval of one of our Senior Officers.

We process most payment checks electronically by using the information found on your check. Each check authorized us to create a one-time electronic funds transfer (or process it as a check or paper draft). Funds may be withdrawn from your account as soon as the same day we receive your payment. Checks are not returned to you. For more information or to stop the electronic funds transfers, call us at the number listed on the front.

If you have authorized us to pay your credit card bill automatically from your savings or checking account with us, you can stop the payment on any amount you think is wrong. To stop the payment your letter must reach us at least three business days before the automatic payment is scheduled to occur.

If your billing address or contact information has changed, or if your address is incorrect as it appears on this bill, please provide all corrections here.

Address 1 _____

Address 2 _____

City _____

State _____ Zip _____

Area Code & Home Phone _____

Area Code & Work Phone _____

Page 2 of 4

Amount: \$200.00
Account: 1010212899425
Bank Number: 12228717

Sequence Number: 4086020190
Capture Date: 05/26/2009
Check Number: 1008

RICHARD A HADSELL
1515 E CHASE AVE
EL CAJON, CA 92020

1008
80-87171222
BRANCH 3500

May 19, 09 Date

Pay to the
order of Bank of America \$ 200 00
Two hundred 00/ Dollars



WACHOVIA

Wachovia Bank, N.A.
wachovia.com

For

1010212899425 1008

0001 408602 05262009 01 190
9515466330012681158 NBK52LJ 1 408602
FOR DEPOSIT ONLY TO FIA CARD SERVICES NA
>034100160< NBK52LJ

Amount: \$88.00
Account: 5466330012681158
Bank Number:

Sequence Number: 1045450075
Capture Date: 08/17/2009
Check Number: 0

04 0049501800008800000212000005466330012681158

BANK OF AMERICA
P.O. BOX 051001
DALLAS, TX 75205-1001

BB 0066 N 215 383 2589 12381 0001 AT 0.357
RICHARD A HADSELL
1515 E CHASE AVE
EL CAJON CA 92020-8267

Check here for a change of mailing address or phone number.
Please provide corrections on the reverse side.

REPAYMENT INFORMATION

ACCOUNT NUMBER:	5466 3300 1268 1158
NEW BALANCE TOTAL:	\$4,850.18
PAYMENT DUE DATE:	08/28/09
Enter Payment Amount Estimated	
\$ 88 00 / 67	

Mail this payment coupon along with a check or money order payable to: BANK OF AMERICA

PAYMENTS

We credit payments at the date received, if the payment is 1) received by 3 p.m. (Eastern Time), 2) received at the address shown in the bottom left-hand corner of the front of this statement, 3) paid with a check drawn in U.S. dollars on a U.S. financial institution or a U.S. draft by money order, and 4) sent in the enclosed return envelope with only the bottom portion of this statement accompanying it. Payments received after 3 p.m. on any day, including the Payment Due Date, but that otherwise meet the above requirements, will be credited as of the next day. We will reject payments that are not drawn in U.S. dollars and three drawn on a financial institution located outside of the United States. Credit for any other payments may be delayed up to five days. No payment shall operate as an account and withdrawal without the prior written approval of one of our Senior Officers.

We process most payment checks electronically by using the information found on your check. Each check authorizes us to create a one-time electronic funds transfer for processing it (check or paper draft). Funds may be withdrawn from your account as soon as the same day we receive your payment. Checks are not returned to you. For more information or to stop the electronic funds transfers, call us at the number listed on the front.

If you have authorized us to pay your credit card bill automatically from your savings or checking account with us, you can stop the payment on any amount you think is wrong. To stop the payment, your letter must reach us at least three business days before the automatic payment is scheduled to occur.

If your billing address or contact information has changed, or if your address is incorrect as it appears on this bill, please provide all corrections here.

Address 1 _____

Address 2 _____

City _____

State _____ Zip _____

Area Code & Home Phone _____

Area Code & Work Phone _____

Page 2 of 2

Amount: \$88.00
Account: 1010212899425
Bank Number: 12228717

Sequence Number: 4045450076
Capture Date: 08/17/2009
Check Number: 1017

RICHARD A HADSELL
1515 E CHASE AVE
EL CAJON, CA 92020

1017

00-8717/1222
BRANCH 3300

AUG 13, 09

Pay to the
order of

BANK OF AMERICA \$ 88 0%

Cash Cash "Fay"

Dollars



WACHOVIA

Wachovia Bank, N.A.
wachovia.com

For

101222871701010212899425 1017

Paul Sheld

0001404545 08172009 01 076
38 5466330012681158 NBKLB7Y 1 404545
FOR DEPOSIT ONLY TC FIA CARD SERVICES NA
>031100160< NBKLB7Y

1 DECLARATION UNDER PENALTY OF PERJURY
2

3 I declare under penalty of perjury under the laws
4 of the State of California and the United States of America
5 that the foregoing is true and correct.

6 Subscribed at _____, California, this
7 _____ day of _____, 2012.

8
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13
14 RICHARD HADSELL
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25

1 REPORTER'S CERTIFICATION
23 I, Cheryl M. Collins, Certified Shorthand Reporter
4 No. 9512, State of California, do hereby certify:5 That said proceedings were taken at the time and
6 place therein named and were reported by me in shorthand and
7 transcribed by means of computer-aided transcription, and
8 that the foregoing is a full, complete, and true record of
9 said proceedings.10 And I further certify that I am a disinterested
11 person and am in no way interested in the outcome of said
12 action, or connected with or related to any of the parties
13 in said action, or to their respective counsel.14 The dismantling, unsealing, or unbinding of the
15 original transcript will render the reporter's certificate
16 null and void.17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 8th day of October 2012.*Cheryl M. Collins*19
20
21
22
23
24
25 Cheryl M. Collins, CSR No. 9512